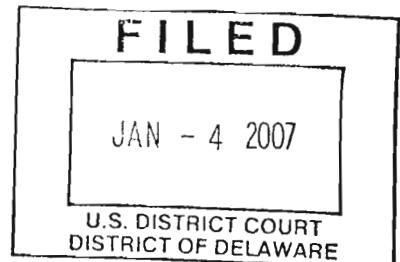


C.A. No. 06-001-GMS

From: James W. Riley
Delaware Correctional Center
1181 Paddock Road
Smyrna, Delaware 19977

To: Honorable Gregory M. Sleet
U.S. District Court Judge
Delaware District Court
844 N. King Street, Lockbox 19
Wilmington, Delaware 19801-3520



December 18, 2006

Ex parte Communication

Re: The Court's Orders To Pay Filing
Fees in Following Cases Filed by
James Riley is inconsistent with
28 U.S.C. § 1915: Case Nos. 06-001-GMS;
05-878-GMS; 00-366-JTF; 01-695-JTF;
98-677-GMS.

Dear Judge Sleet,

The initial orders of the Delaware District Court in the above cited cases directing Plaintiff Riley to pay Filing Fees and Fees for any appeals associated with these cases pursuant to 28 U.S.C. § 1915(b)(1) were assessed in error to this section. Section (b)(1) for determination to pay any Filing Fees are to be assessed based upon: (A) the average monthly deposits to the prisoner's account; (B) the average monthly balance in the prisoner's account for the 6-month period immediately preceding the filing of the complaint or notice of appeal.

Section (b)(1) specifically states any partial filing fees are to be assessed by 20 percent of any funds a prisoner receives within a 6-month period immediately preceding the filing of the complaint or notice of appeal. See § 1915(a)(2).

Therefore since plaintiff Riley's 6-month prison account statements reflect that he have not received any income for several years before filing the complaints in those civil action cases captioned above, then no filing fees (partial or otherwise) should have been assessed against him; nor should the court ordered him to pay any filing fees for the initial complaints or any subsequent appeals taken hereafter. Thus Riley's account records reflect a negative balance for nearly 10-years.

Wherefore, this court must correct this error in all the past and present cases captioned above herein. An appropriate order shall be sent to the prison business office directing them to expunge Riley's records of any active court orders to pay filing fees.

Thank you!
James Riley

IM James R. Ley
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SMYRNA, DELAWARE 19977

WILMINGTON DE 19701-3570
20 MARCH 2006
ATTEN: Gregory M. Sleet
U.S. District Court Judge
Delaware District Court
844 N. King Street, Lockbox 17
Wilmington, Delaware
19801-3570

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